

IN THE DISTRICT COURT OF PONTOTOC COUNTY

STATE OF OKLAHOMA

ELDERS HARDY WEBB, KEN NESSEL,
& JOHN TURNER, being a majority
of the lawful members of the Board
of Elders of Evangelistic Temple,
individually and jointly, on behalf
of the members of Evangelistic Temple,
a non-profit Oklahoma Corporation,
Plaintiffs,)

vs.

REV. JESSE RODGERS, and EVANGELISTIC
TEMPLE of Ada, of the State of Okla-
homa, a Corporation without capital
stock, and JIM CAUTHEN, and GENE DAVIS,
claimants as interim Members of the
Board of Elders and as Directors; and
CLYDE LEACH, Elder and Board Member,
Defendants.)

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TRANSCRIPT OF

COURT'S RULING

which came on for hearing on the 16th day of February, 2000,
in the District Court of Pontotoc County, before the
Honorable Thomas S. Landrith, District Judge of the 22nd
Judicial District, Ada, Oklahoma.

Court Reporter:

Dawn DeVoe Teal, CSR, RPR

APPEARANCES

FOR THE PLAINTIFFS:

Mr. George Braly
and
Mr. H. Buckmaster Coyne, Jr.
Braly, Braly & Coyne
201 W. 14th
Ada, Oklahoma 74820

FOR THE DEFENDANTS:

Mr. Jack Mattingly
Mattingly, Snow & Mattingly
215 E. Oak St., P.O. Box 70
Seminole, Oklahoma 74818
and
Mr. Craig Shew
Smith, Shew, Scrivner & Corbi
120 E. 14th
Ada, Oklahoma 74820

P R O C E E D I N G S

(Following the taking of testimony and the arguments of counsel, the Court issued the following ruling:)

THE COURT: Well, I want to remind everybody of the rules that I set forth when we first began this trial, and obviously no matter what decisions I make today, some of you are going to be angry and some of you are going to be sad, and some of you may be glad. So, whatever these feelings are I expect you to keep them to yourselves until you're outside this courthouse. And that will be the rule, and I will enforce that rule.

So, I want to explain to everybody, like I stated, those of us in this profession, maybe we can set our personal feelings aside easier than others, and that's what we do for a living. And sometimes in your church fellowship you have to do that also. And this community, the last time I checked the median age was like 62 years old. And we have people in our church, and I think Mr. Mattingly might have stated this, that all churches go through changes, and some changes are very difficult. And in our church, I know we've had changes. And my mother and my father have gone to that church all their lives, and they're referred to in our church as senior saints. And I'm proud of them. And my mother and my

1 father would not go to the early service where we play
2 electric guitar and drums no matter what, because they
3 just don't want to change. And so we've accomodated
4 everybody in our church by having two services. We have
5 a traditional service at one time and other services at
6 another time.
7

8 And I don't know what that means except to say this,
9 that you have senior saints in this church and as a church
10 body I think they should be respected. And if there's
11 any spirit of reconciliation after this lawsuit it would
12 be my prayer for you all to search your hearts and reconcile
13 and accomodate some people that are resistant to change
14 and some people that want to change too quickly. There's
15 room enough here for that.
16

17 And then there's a lot of important things
18 in this community that maybe you all didn't know go on
19 unless you've seen it by accident when you were up here,
20 where we deal with methamphetamine abuse, and we deal
21 with divorce cases. And I think Mr. Braly said that,
22 that you know, the best interest of the congregation, that
23 is the test we use when we do custody cases, is what is in
24 the best interest of that child. And in a lot of ways
25 this is similar to a divorce case. And we caution everybody

1 in a divorce case not to have what we call the scoreboard
2 mentality, where everybody -- you have some that are winners
3 and some that are losers. Usually at the end of a divorce
4 matter everybody loses.
5

6 But I promised both sides that I would not preach a
7 sermon today myself, and that I would decide this case
8 based upon what I believe the law is, and that's exactly
9 what I'm going to do. I'm going to try to make findings
10 that are clear on the record. This case is very important.
11 It's got, as you know, constitutional ramifications, and
12 I want to make the record as clear as possible as to what
13 my findings are, are going to be and what I believe that
14 the law is.
15

16 And with that it's going to be my finding that the
17 plaintiffs were either forfeited or relieved of their
18 duties in violation of Section 6 of the bylaws of the
19 Evangelistic Temple. And that they were forfeited or
20 dismissed not in accordance with those bylaws.
21

22 But it's also going to be my decision that the law
23 requires me to find some type of property interest for
24 them to have standing to bring this lawsuit and to invoke
25 the jurisdiction of the State of Oklahoma into an
ecclesiastical matter. It will be my further decision

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Exhibit B

Exhibit C

Exhibit D

Exhibit E

Exhibit F

1 that they do not have standing and that the case should
2 be dismissed.

3 Are there any questions? Then you'll be excused.
4

5 (Whereupon, these proceedings were concluded.)

6 I, Dawn DeVoe Deal, Certified Shorthand Reporter of
7 the State of Oklahoma, do hereby certify that I was present
8 and took in shorthand the proceedings on the Court's
9 ruling of Webb, et al, versus Rodgers, et al, on the 25th
10 day of February, 2008.

11 I further certify that I thereafter reduced my
12 shorthand notes to typewritten form, and that the above
13 and foregoing constitutes a full, true and correct
14 transcript of said proceedings.
15

16 In witness whereof I hereby set my hand this
17 day of February, 2008.

18
19
20
21 *Dawn DeVoe Deal*
22 Dawn DeVoe Deal, CSR, RPR
23 Court Reporter
24 Oklahoma City, Oklahoma
25 (405) 555-1234